

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 1/23/2008 have been fully considered but they are not persuasive.

3. As to Applicant's argument directed to the amendment of claim 1 that, "Kishimoto is for the problem of authentication not isolation. More importantly, it totally fails to disclose an isolating identifier. Thus, it cannot provide user ID security" (Remarks, page 4, lines 11-12), the Examiner respectfully disagrees. It is pointed out that the Examiner does not rely on Kishimoto for this limitation. For the record, Kishimoto does provide for user ID security by encrypting identifiers (Kishimoto, [0058]). For at least the reasons above, the rejection to claim 1 is maintained.

4. As to Applicant's argument directed to the amendment of claim 1 that, "Layton is for the problem of augmented audio reality and not that of user identity security as is the

presently claimed invention" (Remarks, page 4, lines 13-14), the Examiner respectfully disagrees. Applicant is directed to col. 10, lines 30-39 of the Layton patent. It clearly shows, by example, the decision by the user of whether to be known as the user of system or as an anonymous user. When the signature of the user is up, the user's identity and history with a particular business is instantly known to that particular business, but when the user's signature is down s/he just another shopper that the business has no way of communicating with other than with a general "real-time" message. For at least the reasons above, the rejection of the claim 1 is maintained.

5. As to Applicant's argument that, "there is no reason to combine the references in the first place" (Remarks, page 5, lines 7-8), the Examiner respectfully disagrees. The Layton and Kishimoto references both deal with the Internet, e-commerce, mobile networks and authentication/security. For at least the reasons above, the rejection of the claims is maintained.

Response to Amendment

Claim Objections

6. In light of the amendments, the previous claim objections to claims 1, 2 and 4 has been withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0046353 to Kishimoto in view of US Patent No. 7,116,789 to Layton et al. (hereinafter Layton).

As to claim 1, Kishimoto teaches:

- a. The gateway has means to access content providers (mobile phone is used to create a portal (gateway) to internet content providers) (Kishimoto, paragraph [0037]).

Kishimoto does not expressly mention a user-related recording. However, in an analogous art Layton teaches a user-related recording that includes a description of the

behavior that the user wishes the gateway to adopt, as a function of an identifier of the content provider (the user accidentally queries an object and the portal has turned into an advertisement for Stockmann's department store) (Layton, column 10, lines 30-39).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to implement accessing content providers over the internet through a mobile phone with the user-related recordings of content providers of Layton in order to more efficiently convey information to users as suggested by Layton (Layton, column 1, lines 20-24).

Kishimoto as modified further teaches:

- b. The gateway accesses the user-related recording through a first user identifier automatically known on the network and provided by the telephony service provider, when the user sends a request to the content provider (flash ID that is automatically transmitted to content and service providers for authentication and billing purposes) (Kishimoto, paragraphs [0038-0039]).
- c. The gateway comprises a default recording related to all the users who have not a user-related recording (The recordings accessed by the user are general in nature and do not relate to the specific personal identity of the user, just the position of the user) (Layton, column 3, line 52-column 4, line 4).
- d. The gateway accesses the user-related recording through a second isolating user identifier (signature is either up or down, when the signature is up the first identifier is available, when the signature is down the user is unknown to the receiving site) (Layton, col. 10, lines 30-39), during the reception of a request,

concerning the user, for service on the part of the content provider, said isolating identifier isolating said first user identifier from said content provider (Layton, col. 9, lines 45-63 and col. 10, lines 30-39) to preserve user identity security (it is noted that a recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)).

e. The gateway has means to link the first and second identifiers (the personal assistant of the VAPA manages the user's identity and credit card information, for instance) (Layton, column 8, lines 33-43).

As to claim 2, Kishimoto as modified teaches a user-related recording associates the first user identifier with at least one content provider identifier (the content provider is the bar "Zetor" and it accesses Nigel's name) (Layton, column 9, lines 45-65), a content provider identifier being associated with a nature for the second isolating identifier to be given to the content provider when the telephony service provider relays a request from the user to the content provider ("Zetor" is provided with Nigel's credit card information to pay for the vodka and pickles ordered by Nigel when his signature is up) (Layton, column 8, lines 33-43 and column 9, line 45-column 10, line 5).

As to claim 3, Kishimoto as modified teaches the nature of the second isolating identifier is chosen from among at least the group formed by temporary, permanent or

personalized identifiers (the signature is up or down) (Layton, column 8, lines 33-43 and column 9, line 45-column 10, line 5).

As to claim 4, Kishimoto as modified teaches a user-related recording associates the first user identifier with at least one content provider identifier (the content provider is the bar “Zetor” and it accesses Nigel’s name) (Layton, column 9, lines 45-65), a content provider identifier being associated with at least one telephony service that the service provider is then authorized to place at the disposal of the content provider (“Zetor” is provided with Nigel’s credit card information to pay for the vodka and pickles ordered by Nigel) (Layton, column 8, lines 33-43 and column 9, line 45-column 10, line 5).

As to claim 5, Kishimoto as modified teaches a user-related recording comprises a description of a default behavior for the gateway, the default behavior being adopted by the gateway when it is no longer possible to associate the user with a content provider (the default behavior is that of a personal assistant who queries the user about his/her needs) (Layton, column 9, line 5-column 12, line 15).

As to claim 6, Kishimoto as modified teaches the user-related recording is recorded in a user database interrogated by the gateway (the portal queries the user database to access the customized recordings of the user) (Layton, column 9, line 5-column 10, line 67).

As to claim 7 Kishimoto as modified teaches the user is connected to the user database to update the recording concerning him (archiving and logging of past activity to create a record of the events specified) (Layton, column 8, lines 33-34 and column 10, lines 44-50).

As to claim 8 Kishimoto as modified teaches the user-related recording is recorded in a terminal of the user, the gateway interrogating this terminal to obtain the user-related recording (recorded in the VAPA) (Layton, column 8, lines 33-34 and column 10, lines 44-50).

As to claim 9 Kishimoto as modified teaches a default behavior of the gateway is locked by a lock that has to be opened explicitly by the user (portals are enabled as the user walks past them and they play the default behavior, advertisements and enticements, to the user) (Layton, column 11, line 64-column 12, line 15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM S. POWERS whose telephone number is (571)272-8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William S. Powers
Examiner
Art Unit 2134

4/14/2008

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2134